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7 Rec'd PCT/PTO 11 FEB 2002 #17

ID-2017-PCT-US:JMD:156022

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: )  
Mark G. LUEHRMANN, et al. ) Before the Examiner  
Serial No. 09/856,745 )  
Filed May 25, 2001 ) Group Art Unit  
CONNECTING ROD WITH )  
PROFILED BORE FOR )  
INCREASED LOAD CAPABILITY ) January 24, 2002

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January 24, 2002

(Date of Deposit)

James M. Durlacher

Name of Registered Representative

*James M. Durlacher*  
Signature

January 24, 2002

Date of Signature

REQUEST FOR FILING RECEIPT

Commissioner for Patents  
Washington, D.C. 20231  
**BOX PCT**

Sir:

Please provide a filing receipt for the above-identified patent application.

Enclosed is a photocopy of the Response to Notification of a Defective Oath or Declaration which was mailed to the Patent and Trademark Office on September 18, 2001. Also enclosed is a photocopy of the returned postal card. Please provide the filing receipt for the above-identified patent application as soon as possible

Respectfully submitted,

By *James M. Durlacher*  
James M. Durlacher, Reg. No. 28,840  
Woodard, Emhardt, Naughton, Moriarty  
& McNett  
Bank One Center/Tower  
111 Monument Circle, Suite 3700  
Indianapolis, Indiana 46204-5137  
(317) 634-3456

COPY

Matter No. 8016-547

Initials: 8:55

9/18/01

8-02-12017

JC20 Rec'd PCT/PTO SEP 24 2001

PLEASE RETURN THIS CARD

☒ Patent ( ) Trademark  
( ) Copyright

Serial No. 09/856,745

Applicant: Luehrmann et al  
"Connecting Rod with  
Profiled Bore for Increased  
Load Capability"

Receipt of the attached is  
acknowledged.

- ( ) Application
- ( ) Check for \$ \_\_\_\_\_
- ( ) \_\_\_\_\_ sheets of drawing(s)
- ( ) Small Entity Declaration
- ( ☒ ) Declaration & Power of Atty. for Mark  
G. Luehrmann
- ( ) Assignment
- ( ) Amendment
- ( ) Req. for Extension of Time
- ( ) Specimens
- ( ) Information Disclosure Statement
- ( ☒ ) Response to Notification
- ( ) of a Defective Oath
- ( ☒ ) PTO Form 50121

COPY

ID-2017-PCT-US:JMD:142283

WENMM/SB/21 (12/00)

# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/856.745
Filing Date	May 25, 2001
First Named Inventor	LUEHRMANN, Mark G.
Group Art Unit	
Examiner Name	
Attorney Docket Number	8016-547

Total Number of Pages in this Submission

9

## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> To Convert a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Enclosure (please identify below)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement, PTO form 1449; & copies of cited references	<input type="checkbox"/> Small Entity Statement	
<input type="checkbox"/> Certified Copy of Priority Documents	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	James M. Durlacher Woodard, Emhardt, Naughton, Moriarty & McNett
Signature	<i>James M. Durlacher</i>
Date	September 18, 2001

## Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington D.C. 20231 on this date: September 18, 2001

Typed or printed name	James M. Durlacher, Reg. No. 28,840		
Signature	<i>James M. Durlacher</i>	Date	September 18, 2001

COPY



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/856745	LUEHRMANN	M 8016-547
INTERNATIONAL APPLICATION NO.		

JAMES M DURLACHER  
WOODARD EMHARDT NAUGHTON MORIARTY & MCNE  
BANK ONE CENTER/ TOWER SUITE 3700  
111 MONUMENT CIRCLE  
INDIANAPOLIS, IN 46204

PCT/US99/29395

LA. FILING DATE	PRIORITY DATE
10 DEC 99	11 DEC 98

DATE MAILED: 21 AUG 2001

**COPY****NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION**

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371(c)(4) for entry into the national stage in the United States of America. The period within which to correct the deficiency noted below and avoid abandonment is set in the accompanying Notification.

A new oath or declaration, properly identifying this application (preferably by the international application number and international filing date) is required. The oath or declaration does not comply with 37 CFR 1.497(a),(b) and (f) in that it:

1. ☒ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. ☐ does not identify the application to which it is directed.
3. ☐ does not identify the inventor(s).
4. ☒ does not identify the citizenship of each inventor.
5. ☐ does not state that the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

**COPY**

**FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b), AND 1.497(d) WHERE APPROPRIATE, WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.**

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the mailing address of each inventor. If the residence is different from the mailing address, then the city and state or city and foreign country of residence of each inventor must also be given.
2. ☐ does not state that the person making the oath or declaration:
  - a. ☐ has reviewed and understands the contents of the application, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
  - b. ☐ acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.
3. ☐ does not identify the foreign application for patent or inventor's certificate for which a claim for priority is made pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.

India Evans

Telephone: 703-305-2936

FORM PCT/DO/EO/917 (March 2001)

**COPY**

ID-2017-PCT-US:JMD:135489

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: )  
Mark G. LUEHRMANN, et al. ) Before the Examiner  
Serial No. 09/856,745 )  
Filed (date to be determined) ) Group Art Unit  
CONNECTING RODE WITH )  
PROFILED BORE FOR )  
INCREASED LOAD CAPABILITY ) September 18, 2001

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on

September 18, 2001

(Date of Deposit)

James M. Durlacher

Name of Registered Representative

*James M. Durlacher*  
Signature

September 18, 2001

Date of Signature

RESPONSE TO NOTIFICATION OF  
A DEFECTIVE OATH OR DECLARATION

Commissioner for Patents, Box PCT  
Washington, D.C. 20231

**COPY**

Sir:

With reference to the Notification of a Defective Oath or Declaration received for the above application (copy enclosed), in particular item 4, Applicants submit herewith a newly executed Declaration and Power of Attorney by inventor, Mark G. Luehrmann, which indicates his citizenship to be that of the United States. Although it is not clear from the Notification received from the PTO, it is believed that this is the only inventor for whom citizenship was not identified. That omission has now been corrected.

With further reference to item No. 1 of the Notice, the undersigned attorney believes that the prior Oath or Declaration was in fact executed in accordance with 37 CFR 1.66 or 37 CFR 1.68. In particular, §1.68 requires the following:

Any document to be filed with the Patent and Trademark Office and which is required by any law, rule, or other regulation to be under oath may be subscribed to by a written declaration. Such declaration may be used in lieu of the oath otherwise required, if, and only if, the declarant is on the same document, warned that willful false statements and the like are punishable by fine or imprisonment,

or both (18 U.S.C. 1001) and may jeopardize the validity of the application or any patent issuing thereon. The declarant must set forth in the body of the declaration that all statements made of the declarant's own knowledge are true and that all statements made on information and belief are believed to be true.

It is brought to the attention of the Patent and Trademark Office that this language is present on the Declaration on page 2 directly above the information for the first inventor, Mr. Luehrmann. This objection is respectfully requested to be dismissed.

The undersigned believes that all requirements of the Patent and Trademark Office have been met and that the application is in condition for issuance of the official Filing Receipt.

In addition, please provide any further extensions of time which are required or charge any additional fees which are required Deposit Account No. 23-3030, but not to include any payment of issue fees.

Respectfully submitted,

By James M. Durlacher  
James M. Durlacher, Reg. No. 28,840  
Woodard, Emhardt, Naughton, Moriarty  
& McNett  
Bank One Center/Tower  
111 Monument Circle, Suite 3700  
Indianapolis, Indiana 46204-5137  
(317) 634-3456

Please type a plus sign (+) inside this box → ☐

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**DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**

☐ Declaration Submitted with Initial Filing  
OR  
☒ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number	8016-547
First Named Inventor	Mark G. Luehrmann
COMPLETE IF KNOWN	
Application Number	09 / 856,745
Filing Date	
Group Art Unit	
Examiner Name	

**COPY**

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

CONNECTING ROD WITH PROFILED BORE FOR INCREASED LOAD CAPABILITY

(Title of the Invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) 12/10/1999

as United States Application Number or PCT International

Application Number US99/29395 and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
US99/29395	PCT	12/10/1999	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
09/210,001	US	12/11/1998	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

Page 1 of 5

Burden Hour Statement: This form is estimated to take 21 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Please type a plus sign (+) inside this box → ☐

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## DECLARATION — Utility or Design Patent Application

Direct all correspondence to: ☐ Customer Number or Bar Code Label  OR ☒ Correspondence address below

Name James M. Durlacher @ Woodard, Emhardt, Naughton, Moriarty & McNett

Address Bank One Center/Tower, Suite 3700

Address 111 Monument Circle

City Indianapolis

State IN

ZIP 46204-5137

Country US

Telephone 317-634-3456

Fax 317-637-7561

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR :

☐ A petition has been filed for this unsigned inventor

Given Name

(first and middle (if any)) Mark G.

Family Name

or Surname LUEHRMANN

Inventor's  
Signature

*Mark G. Luehrmann*

Date 13SEP01

Residence: City Hope

State IN

Country US

Citizenship US

Mailing Address 3243 North Meadow Drive

Mailing Address

City Hope

State IN

ZIP 47246

Country US

NAME OF SECOND INVENTOR:

☒ A petition has been filed for this unsigned inventor

Given Name

(first and middle (if any)) Mary E.

Family Name

or Surname RUPP

Inventor's  
Signature

Date

Residence: City Greensburg

State IN

Country US

Citizenship US

Mailing Address 9223 South State Road 3

Mailing Address

City Greensburg

State IN

ZIP 47240

Country US

☒ Additional inventors are being named on the 2 supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.



Please type a plus sign (+) inside this box → ☐

PTO/SB/02A (11-00)

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## DECLARATION

ADDITIONAL INVENTOR(S)  
Supplemental Sheet  
Page 3 of 5

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Mark D.		O'LEARY	
Inventor's Signature		Date	
Residence: City Seymour	State IN	Country US	Citizenship US
Mailing Address 9477 West County Road 25 East			
Mailing Address			
City Seymour	State IN	ZIP 47274	Country US
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Ilya L.		PIRANER	
Inventor's Signature		Date	
Residence: City Columbus	State IN	Country US	Citizenship US
Mailing Address 6064 Acorn Drive			
Mailing Address			
City Columbus	State IN	ZIP 47201	Country US
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
John M.		MILLER	
Inventor's Signature		Date	
Residence: City Columbus	State IN	Country US	Citizenship US
Mailing Address 4235 Sharp Lane			
Mailing Address			
City Columbus	State IN	ZIP 47201	Country US

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## DECLARATION

**ADDITIONAL INVENTOR(S)**  
Supplemental Sheet  
Page 4 of 5

<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
William D.		McNULTY	
Inventor's Signature		Date	
Residence: City Scipio	State IN	Country US	Citizenship US
Mailing Address 7620 North County Road 400 West			
Mailing Address			
City Scipio	State IN	ZIP 47273	Country US
<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Cheryl		KLEPSE	
Inventor's Signature		Date	
Residence: City Hope	State IN	Country US	Citizenship US
Mailing Address 3282 N. Meadow Drive			
Mailing Address			
City Hope	State IN	ZIP 47246	Country US
<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
Mailing Address			
City	State	ZIP	Country

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PTO/SB/02C (3-97)  
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Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

## DECLARATION

## REGISTERED PRACTITIONER INFORMATION (Supplemental Sheet)

Name	Registration Number	Name	Registration Number
Harold R. Woodard	#16,214		
C. David Emhardt	#18,483		
Joseph A. Naughton, Jr.	#19,814		
John V. Moriarty	#26,207		
John C. McNett	#25,533		
Thomas Q. Henry	#28,309		
James M. Durlacher	#28,840		
Charles R. Reeves	#28,750		
Vincent O. Wagner	#29,596		
Steve Zlatos	#30,123		
Spiro Bereveskos	#30,821		
William F. Bahret	#31,087		
Clifford W. Browning	#32,201		
R. Randall Frisk	#32,221		
Daniel J. Lueders	#32,581		
Kenneth A. Gandy	#33,386		
Timothy N. Thomas	#35,714		
Kerry P. Sisselman	#37,237		
Kurt N. Jones	#37,996		
John H. Allie	#39,088		
Holiday W. Banta	#40,311		
Troy J. Cole	#35,102		
L. Scott Paynter	#39,797		
J. Andrew Lowes	#40,706		
Charles J. Meyer	#41,996		
Matthew R. Schantz	#40,800		
Gregory B. Coy	#40,967		
Lisa A. Hiday	#40,036		
John V. Daniluck	#40,581		
Christopher A. Brown	#41,642		
C. John Brannon	#44,557		
Jason J. Schwartz	#43,910		
Arthur J. Usher, IV	#41,359		
Douglas A. Collier	#43,556		
Brad A. Schepers	#45,431		
James B. Myers	#42,021		
Scott J. Stevens	#29,446		
John M. Bradshaw	#46,573		
C. Amy Ng Smith	#42,931		
Charles P. Schmal	#45,082		
Edward E. Sowers	#36,015		

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WOODARD, EMHARDT, NAUGHTON,  
MORIARTY & MCNETT  
PATENT AND TRADEMARK ATTORNEYS  
BANK ONE CENTER/TOWER  
111 MONUMENT CIRCLE, SUITE 3700  
INDIANAPOLIS, INDIANA 46204-5137

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H METER 504258  
JAN 24 '02  
IN

**FIRST CLASS MAIL**

09/836,745

JC97 Rec'd PCT/P10 11 FEB 2002

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